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Attorneys for Defendants University of Oregon,  
Mia Tuan, Edward J. Kame'enui, Francis J. Fien,  
and Brad Shelton

UNITED STATES DISTRICT COURT  
  
DISTRICT OF OREGON  
  
EUGENE DIVISION

DYNAMIC MEASUREMENT GROUP, INC.,  
an Oregon Corporation,

Plaintiff,

vs.

UNIVERSITY OF OREGON, a special  
governmental body as defined by ORS  
174.117(1)(i); MIA TUAN, individually and in  
her official capacity; EDWARD J.  
KAME'ENUI, individually and in his official

Case No.6:14-cv-01295-TC

DECLARATION OF KELLI  
CUMMINGS IN SUPPORT OF  
DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT

PAGE 1 – DECLARATION OF KELLI  
CUMMINGS

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capacity; FRANCIS J. FIEN IV, a/k/a Hank Fein, individually and in his official capacity; BRAD SHELTON, individually and in his official capacity; and HOP SKIP TECHNOLOGIES INC., an Oregon Corporation

Defendants.

I, Kelli Cummings, hereby state and declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and if called upon as a witness, I could and would testify competently to the facts set forth herein.

2. I am an Assistant Professor of Special Education at the University of Maryland, College Park. I have worked in this capacity since August 2014. A true and accurate copy of my Curriculum Vitae is attached hereto as Exhibit A.

3. Prior to my work at the University of Maryland, I worked as the Director of Measurement, Evaluation and Applications Development at the University of Oregon, Center on Teaching and Learning from 2012-2014. From 2010-2014, I worked as a Research Associate at the University of Oregon, Center of Teaching and Learning. I also worked as a Courtesy Research Associate at the University of Oregon, School of Psychology Program from 2007-2014. During my time at the University of Oregon, I worked on the research and development of DIBELS measures, and authored and co-authored numerous publications on the topic. For example, I co-authored Technical Report 1101 DIBELS Data System: 2010-2011 Percentile Ranks for DIBELS Next Benchmark Assessments. A true and accurate copy of this report is attached hereto as Exhibit B.

4. Prior to my work at the University of Oregon, I worked as a Senior Research Scientist & Director of Data Analysis for Dynamic Measurement Group. During my time with

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Dynamic Measurement Group, I worked on the research and development of DIBELS measures.

A true and accurate copy of the February 28, 2006 letter from Ruth Kaminski and Employment

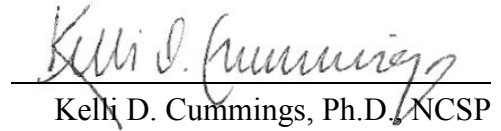
Agreement with Dynamic Measurement Group is attached hereto as Exhibit C.

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I hereby declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

DATED this 26 day of February, 2015 at College Park, Maryland.

  
Kelli D. Cummings, Ph.D., NCSP

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